

Town of Arlington

730 Massachusetts Ave, Arlington, MA 02476 | 781-316-3000 | arlingtonma.gov

Warrant for Special Town Meeting

Wednesday, May 2, 2018

STM ARTICLE

1

REPORTS OF BOARDS AND COMMITTEES

To receive, hear, and act upon the reports of boards, committees, and commissions; or take any action related thereto.

Inserted at the request of the Town Moderator

STM ARTICLE

2

ZONING BYLAW AMENDMENT/ EXTENDING RECREATIONAL MARIJUANA MORATORIUM

To see if the Town will vote to amend the Town's Zoning Bylaws by updating and extending the temporary moratorium on recreational marijuana establishments (set forth in Section 8.3 of the Recodified Zoning Bylaw) from June 30, 2018 until December 31, 2018, to provide the Town sufficient time to fully assess its Cannabis Control Commission Regulations filed with the Secretary of State for the Commonwealth on March 9, 2018, and so to read as follows:

"Temporary Moratorium on Recreational Marijuana Establishments."

Section 8.3.1 Purpose

By vote at the State election on November 8, 2016, the voters of the Commonwealth approved a law regulating the cultivation, processing, distribution, possession and use of marijuana for recreational purposes (G.L. c. 94G, "Regulation of the Use and Distribution of Marijuana Not Medically Prescribed"). Effective December 15, 2016, the law allowed certain personal use and possession of marijuana, and further requires the Cannabis Control Commission to issue regulations regarding the licensing of commercial marijuana activities on or before March 15, 2018, and subsequently, to accept license applications for commercial operations beginning on April 1, 2018. The Cannabis Control Commission adopted regulations on or about March 6, 2018; transmitted to the Secretary of State on March 9, 2018. Non-medical Marijuana Establishments as defined by G.L. c. 94 are not otherwise contemplated or addressed under the present Zoning Bylaw. The regulations ~~to be~~ promulgated by the Cannabis Control Commission ~~may~~ provide important guidance on aspects of local regulation of Recreational Marijuana Establishments, as well as details on how the Town may further restrict on commercial sales of recreational marijuana by local ballot questions, but were not finalized in sufficient advance of the Annual Town Meeting. Moreover, the regulation of recreational marijuana raises novel legal, planning and public safety issues, potentially necessitating time to study and consider study and consider the regulation of Recreational Marijuana Establishments and address such issues, as well as to address the potential impact of the aforementioned State regulations on local zoning; and to undertake a planning process fully informed by the new Cannabis Control Commission

regulations to consider amending the Zoning Bylaw regarding regulation of Recreational Marijuana Establishments. The Town intends to ~~adopt~~continue its temporary moratorium on the use of land and structures in the Town for Recreational Marijuana Establishments so as to allow the Town sufficient time to engage in a planning process to address the effects of such structures and uses in the Town and to adopt provisions of the Zoning Bylaw in a manner consistent with sound land use planning goals and objectives now that the parameters of retail marijuana have been fully and finally defined by the Commission.

8.3.2 Temporary Moratorium

For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaw to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for Recreational Marijuana Establishments. The moratorium shall be in effect through ~~June~~December 31 2018, or until such time as the Town adopts Zoning Bylaw amendments that regulate Recreational Marijuana Establishments, whichever occurs earlier. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of recreational marijuana in the Town, consider the Cannabis Control Commission regulations regarding Recreational Marijuana Establishments and related uses, and shall consider adopting new Zoning Bylaws in response to these new issues.

8.3.3 Severability

The provisions of this by-law are severable. If any provision, paragraph, sentence, or clause of this bylaw or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this bylaw.”

Or take any action relative thereto.

Inserted by the Board of Selectmen

STM ARTICLE 3

VOTE/STUDY OF DEMOLITION OF HISTORIC RESIDENTIAL BUILDINGS

To see if Town Meeting will vote to establish a committee to study whether or not Title VI, Article 6 (“Historically or Architecturally Significant Buildings”) should be amended in scope or procedure relative to the demolition of residential buildings, including, but not limited to, determining if the definition of “significant buildings” and/or the inventory of historic buildings is sufficient, and whether substantive or procedural alterations to the bylaw should be made in the interests of preserving historically and architecturally significant residences in Arlington; and to report back to the 2019 Annual Town Meeting, or earlier, with recommendations, including requesting any warrant articles necessary to further such recommendations in advance of same; or take any action related thereto.

Inserted by the Board of Selectmen

STM ARTICLE 4

HOME RULE LEGISLATION/PROPERTY TAX DEFERRALS

To see if the Town will vote to authorize and request the Board of Selectmen to file Home Rule Legislation to raise the income limits, from the statutory maximum relating to the eligibility for property tax deferrals in Arlington, as provided in Chapter 59, Section 5, Clause 41A of the Massachusetts General Laws, as amended; or take any action related thereto.

Inserted by the Board of Selectmen

**STM ARTICLE
5**

**HOME RULE LEGISLATION/MEANS-
TESTED SENIOR TAX RELIEF**

To see if the Town will vote to authorize and request the Board of Selectmen to file Home Rule Legislation which would establish a locally controlled, means-tested senior citizen property tax exemption, known as a local option “circuit breaker” program; or take any action related thereto.

Inserted by the Board of Selectmen

**STM ARTICLE
6**

**HOME RULE /PACKAGE STORE
LICENSES**

To see if the Town will vote to authorize and request the Board of Selectmen to file Home Rule Legislation which would permit the placing on the 2019 Annual Town Election ballot a question to authorize the Board of Selectmen to increase the current number of all-alcohol “package store” licenses (all-alcohol beverages for consumption off the premises) from the current number of 5; or take any action related thereto.

Inserted by the Board of Selectmen

**STM ARTICLE
7**

**HOME RULE LEGISLATION/BYLAWS
AMENDMENT: GENDER NEUTRAL
LANGUAGE**

To see if the Town will vote to authorize and request the Board of Selectmen to file Home Rule Legislation to amend the Town Manager Act, and further to amend the Town Bylaws to change all gender specific pronouns in the Manager Act and throughout the Bylaws to gender neutral pronouns in a manner consistent with the Annual Town Meeting article to change the name “Board of Selectmen” to “the Select Board”; or take any action related thereto.

Inserted by the Board of Selectmen



Town of Arlington, Massachusetts

HEADER

Summary:

Warrant for Special Town Meeting

Wednesday, May 2, 2018



Town of Arlington, Massachusetts

STM ARTICLE 1

Warrant Article Title:

REPORTS OF BOARDS AND COMMITTEES

Summary:

To receive, hear, and act upon the reports of boards, committees, and commissions; or take any action related thereto.

Requested by:

Inserted at the request of the Town Moderator



Town of Arlington, Massachusetts

STM ARTICLE 2

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The provisions of this by-law are severable. If any provision, paragraph, sentence, or clause of this bylaw or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this bylaw."

Or take any action relative thereto.

Requested by:

Inserted by the Board of Selectmen



Town of Arlington, Massachusetts

STM ARTICLE 3

Warrant Article Title:

VOTE/STUDY OF DEMOLITION OF HISTORIC RESIDENTIAL BUILDINGS

Summary:

To see if Town Meeting will vote to establish a committee to study whether or not Title VI, Article 6 ("Historically or Architecturally Significant Buildings") should be amended in scope or procedure relative to the demolition of residential buildings, including, but not limited to, determining if the definition of "significant buildings" and/or the inventory of historic buildings is sufficient, and whether substantive or procedural alterations to the bylaw should be made in the interests of preserving historically and architecturally significant residences in Arlington; and to report back to the 2019 Annual Town Meeting, or earlier, with recommendations, including requesting any warrant articles necessary to further such recommendations in advance of same; or take any action related thereto.

Requested by:

Inserted by the Board of Selectmen

Voting:

Board of Selectmen Voted:

That Town Meeting hereby amends its vote on Article 11 of the 2016 Town Meeting, wherein the committee known as the "Residential Study Group" was formed, by specifically charging the Group to study the demolition of Arlington residential structures and associated impacts on:

1. The character of neighborhoods and historic preservation efforts;
2. Sellers, including an analysis of the demographic and economic profile of such individuals;
3. Affordability of housing;
4. Persons employed in the building trades
5. The natural environment
6. Local regulatory and licensing bodies; and
7. Continuing work on assessing localized disruption and health impacts during demolition and construction.

Further, the Group is charged with determining appropriate policy and zoning recommendations to balance the above considerations based upon the Group's findings, and make recommendations both to Town Meeting and pertinent Town officials on same.

(5 – 0)



Town of Arlington, Massachusetts

STM ARTICLE 4

Warrant Article Title:

HOME RULE LEGISLATION/PROPERTY TAX DEFERRALS

Summary:

To see if the Town will vote to authorize and request the Board of Selectmen to file Home Rule Legislation to raise the income limits, from the statutory maximum relating to the eligibility for property tax deferrals in Arlington, as provided in Chapter 59, Section 5, Clause 41A of the Massachusetts General Laws, as amended; or take any action related thereto.

Requested by:

Inserted by the Board of Selectmen

Voting:

Board of Selectmen Voted:

That the Town does hereby request and authorize the Board of Selectmen to file Home Rule Legislation to provide substantially as follows:

"AN ACT RELATIVE TO REAL PROPERTY TAX DEFERRALS IN THE TOWN OF ARLINGTON.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

SECTION 1. Notwithstanding the provisions of the first paragraph of clause Forty-first A of section 5 of chapter 59 of the General Laws, the Town of Arlington may, by vote of its Town Meeting and with the approval of its Board of Selectmen: (1) adopt a higher maximum qualifying gross receipts amount than \$57,000.

SECTION 2. This act shall take effect upon its passage."

(5 – 0)



Town of Arlington, Massachusetts

STM ARTICLE 5

Warrant Article Title:

HOME RULE LEGISLATION/MEANS-TESTED SENIOR TAX RELIEF

Summary:

To see if the Town will vote to authorize and request the Board of Selectmen to file Home Rule Legislation which would establish a locally controlled, means-tested senior citizen property tax exemption, known as a local option "circuit breaker" program; or take any action related thereto.

Requested by:

Inserted by the Board of Selectmen

Voting:

Board of Selectmen Voted:

That no action be taken on Special Town Meeting Article 5 at this time and to have the option referred to the Town Manager, the Board of Assessors, and the Finance Committee for further study.

(5 – 0)



Town of Arlington, Massachusetts

STM ARTICLE 6

Warrant Article Title:

HOME RULE /PACKAGE STORE LICENSES

Summary:

To see if the Town will vote to authorize and request the Board of Selectmen to file Home Rule Legislation which would permit the placing on the 2019 Annual Town Election ballot a question to authorize the Board of Selectmen to increase the current number of all-alcohol "package store" licenses (all-alcohol beverages for consumption off the premises) from the current number of 5; or take any action related thereto.

Requested by:

Inserted by the Board of Selectmen

Voting:

Board of Selectmen Voted:

That the Town does hereby request and authorize the Board of Selectmen to file Home Rule Legislation to provide substantially as follows:

"AN ACT TO AUTHORIZE THE BOARD OF SELECTMEN OF THE TOWN OF ARLINGTON TO PLACE
UPON A TOWN BALLOT A QUESTION RELATING TO THE LICENSING OF PURVEYORS OF
ALCOHOLIC BEVERAGES NOT TO BE DRUNK ON THE PREMISES.

Section 1. The Board of Selectmen of the Town of Arlington is hereby authorized to place upon the ballot at a 2019 Town election the following question:

Shall the Board of Selectmen of the Town be authorized to issue up to 7 licenses for the sale of all alcoholic beverages not to be drunk on the premises in replacement of up to 5 existing licenses for the sale of wine and malt beverages not to be drunk on the premises?

YES	
NO	

Section 2. If a majority of voters voting at the 2019 Town election at which the above question appears on the ballot vote 'yes' on the question, then the Board of Selectmen of the Town of Arlington may issue up to three licenses for the sale of all alcoholic beverages to be drunk off the premises in place of up to three licenses that are currently authorized in the Town of Arlington for the sale of wine and malt beverages to be drunk off the premises.

Section 3. This act will take effect upon passage."

(5 – 0)

Board of Selectmen Supplemental Comment:

There two categories of administrative edits to correct several typographical errors and accurately present the recommendation of the Board of Selectmen on Special Town Meeting Article 6. One corrects the number of available licenses (which is 5) and the total licenses sought (1 additional for a total of 6). The second notes that package store licenses are "all alcohol" licenses in Section 2 of the proposed ballot language, so as to read as follows:

VOTED: That the Town does hereby request and authorize the Board of Selectmen to file Home Rule Legislation to provide substantially as follows:

“AN ACT TO AUTHORIZE THE BOARD OF SELECTMEN OF THE TOWN OF ARLINGTON TO PLACE UPON A TOWN BALLOT A QUESTION RELATING TO THE LICENSING OF PURVEYORS OF ALCOHOLIC BEVERAGES NOT TO BE DRUNK ON THE PREMISES.

Section 1. The Board of Selectmen of the Town of Arlington is hereby authorized to place upon the ballot at a 2019 Town election the following question:

Shall the Board of Selectmen of the Town be authorized to issue up to ~~7~~6 licenses for the sale of all alcoholic beverages not to be drunk on the premises in replacement of up to 5 existing licenses for the sale of wine and malt beverages not to be drunk on the premises?

YES	
NO	

Section 2. If a majority of voters voting at the 2019 Town election at which the above question appears on the ballot vote ‘yes’ on the question, then the Board of Selectmen of the Town of Arlington may issue up to ~~three~~six licenses for the sale of all alcoholic beverages to be drunk off the premises in place of up to ~~three~~five licenses that are currently authorized in the Town of Arlington for the sale of ~~wine and malt beverages~~all alcohol to be drunk off the premises.

Section 3. This act will take effect upon passage.”



Town of Arlington, Massachusetts

STM ARTICLE 7

Warrant Article Title:

HOME RULE LEGISLATION/BYLAWS AMENDMENT: GENDER NEUTRAL LANGUAGE

Summary:

To see if the Town will vote to authorize and request the Board of Selectmen to file Home Rule Legislation to amend the Town Manager Act, and further to amend the Town Bylaws to change all gender specific pronouns in the Manager Act and throughout the Bylaws to gender neutral pronouns in a manner consistent with the Annual Town Meeting article to change the name "Board of Selectmen" to "the Select Board"; or take any action related thereto.

Requested by:

Inserted by the Board of Selectmen

Voting:

Board of Selectmen Voted:

That the Town hereby amends the Town's General Bylaws as follows:

That the entirety of the Town Bylaws be and hereby are amended to substitute the following gendered noun and pronoun terms with gender-neutral substitutes throughout each title, article and section of the bylaw. Gendered nouns and pronouns to be substituted include "his" or "hers" (or variants "his or hers" and "his/hers"), "him" or "her" (and variants "him or her," and "him/her") "he" or "she" (and variants "he or she" and "he/she"); "himself" or "herself" (and variant "himself or herself") and "Chairman" "Vice-Chairman." In each instance, such terms shall be replaced only with "their," "they," "them," "one" (or "one's"), or "Chairperson," "Chair," "Vice-Chairperson," or "Vice Chair."

IT IS FURTHER VOTED: That the Town does hereby request and authorize the Board of Selectmen to file Home Rule Legislation to provide substantially as follows:

"AN ACT AMENDING THE TOWN MANAGER ACT OF ARLINGTON ADOPT GENDER NEUTRAL TERMS"

Section 1. Chapter 503 of the Acts of 1952 (The Town Manager Act of Arlington) as subsequently amended, is hereby amended in all sections and subparts to substitute the terms "his," "him," "he," "himself" or "Chairman" or "Vice-Chairman" with the gender neutral terms "their," "they," "them," "one" (or "one's"), and "Chairperson," "Chair," "Vice-Chairperson," or "Vice Chair" as appropriate to the grammar and syntax of each sentence in which such terms exist.

Section 2. This Act shall take effect upon its passage."

(5 – 0)